

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

JEFFERSON UNION HIGH SCHOOL
DISTRICT.

OAH Case No. 2014041162

NOTICE OF AGREEMENT TO USE
MEDIATION IN LIEU OF
RESOLUTION SESSION AND
SETTING MEDIATION

On August 4, 2014, the parties submitted a stipulation to participate in mediation on August 6, 2014, which is within the 30-day resolution period for Student's amended complaint.

APPLICABLE LAW AND DISCUSSION

A school district must convene a meeting to discuss the issues raised in a due process complaint in order to attempt to resolve the dispute. (34 C.F.R. § 300.510 (a)(1), (2).) This meeting is commonly known as a resolution session. A resolution session need not be held if the parent and school district agree in writing to waive it (*Id.* at § 300.510 (a)(3)(i)) or if the parent and school district agree to use mediation instead of a resolution session (*Id.* at § 300.510 (a)(3)(ii)). If the parties agree to waive the resolution session, the 45-day timeline for a due process hearing begins the day after the waiver. (*Id.* at § 300.510(c)(1).) However, the timeline does not automatically begin if the parties agree to use mediation instead of a resolution session. (*Id.* at § 300.510(c).)

In this case, the parties agreed to participate in mediation within the resolution session period, but did not specifically state they agreed to proceed to mediation instead of a resolution session. However, their request to advance the mediation date into the resolution session period shows an intent to mediate in lieu of holding a resolution session under 34 Code of Federal Regulations part 300.510(a)(3)(ii). As a result, the timeline governing this matter does not change.

Although the Office of Administrative Hearings is usually not able to accommodate a last-minute request, an administrative law judge is available on the requested date. The parties' request to reschedule the mediation to August 6, 2014, is granted. ALJ Adeniyi Ayoade is assigned to mediate this case.

DATE: August 4, 2014

/s/

JUDITH A. KOPEC
Division Presiding Administrative Law Judge
Office of Administrative Hearings